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23 Nov. 2009



Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, D.C. 20024

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Office of Proceedings

NOV 24 2009

Part of
Public Record

Re: East Tennessee Railway - Exempt
Abandonment - in Washington and Carter
Counties, TN, AB-1031X

"statement of willingness" - fee exempt

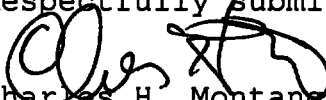
Dear Ms. Brown:

Enclosed for filing on behalf of City of Johnson City, Tennessee, please find the original and ten copies of a "statement of willingness" applying for regulation of the railroad corridor involved in the above-captioned proceeding pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29 (interim trail use or "railbanking").

49 C.F.R. 1002.2(f) provides for waiver of filing fees for an application which is filed by a local government entity. City of Johnson City is a local government entity. City of Johnson City thus qualifies for, requests, and claims exemption from, or waiver of, all filing fees that might otherwise be associated with the filing of this "statement of willingness."

Thank you for your assistance in this matter.

Respectfully submitted,


Charles H. Montange

Encls.

cc. Eric Hocky (for ETR) (w/encl.)

Before the Surface Transportation Board

East Tennessee Railway, L.P.)
- Exempt Abandonment -) STB Dkt. No.
in Washington and Carter) AB-1031X
Counties, TN)

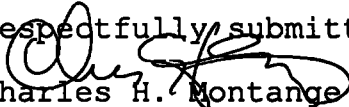
Statement of Willingness
to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, City of Johnson City ("City"), Tennessee, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes (if any) that may be levied or assessed against the right of way owned and operated by East Tennessee Railway, L.P. The property, known as the Elizabethton to Johnson City segment of the East Tennessee Railway, extends from railroad milepost 1.2, at or near Johnson City, to end of line at railroad milepost 11.2, at or near Elizabethton, a distance of 10 miles, in Washington and Carter Counties, TN. The railroad is part of a line of railroad proposed for abandonment in Docket AB 1031X.

A map of the property depicting the right of way is attached.

City acknowledges that use of the right of way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail purposes. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

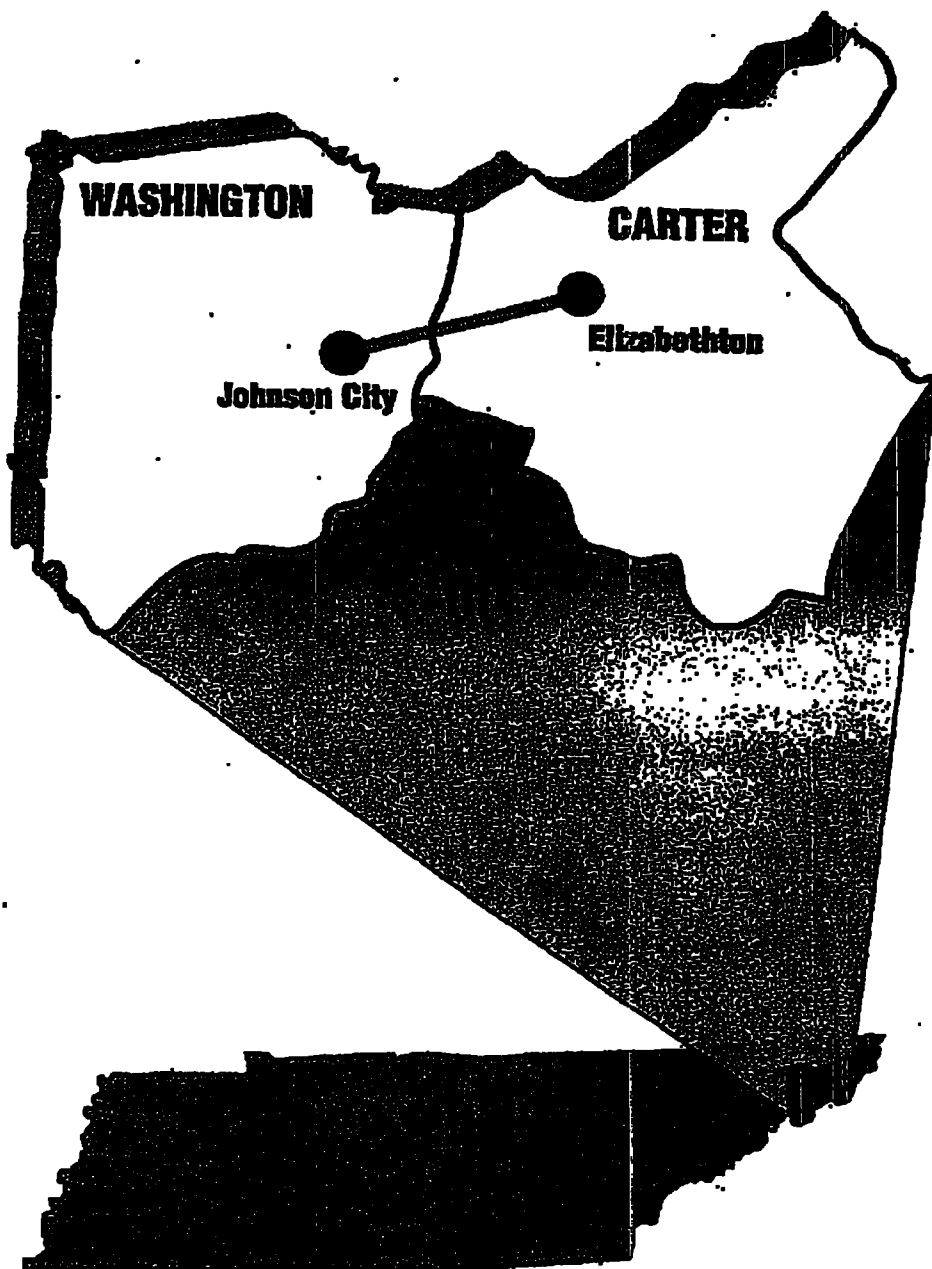
Respectfully submitted,

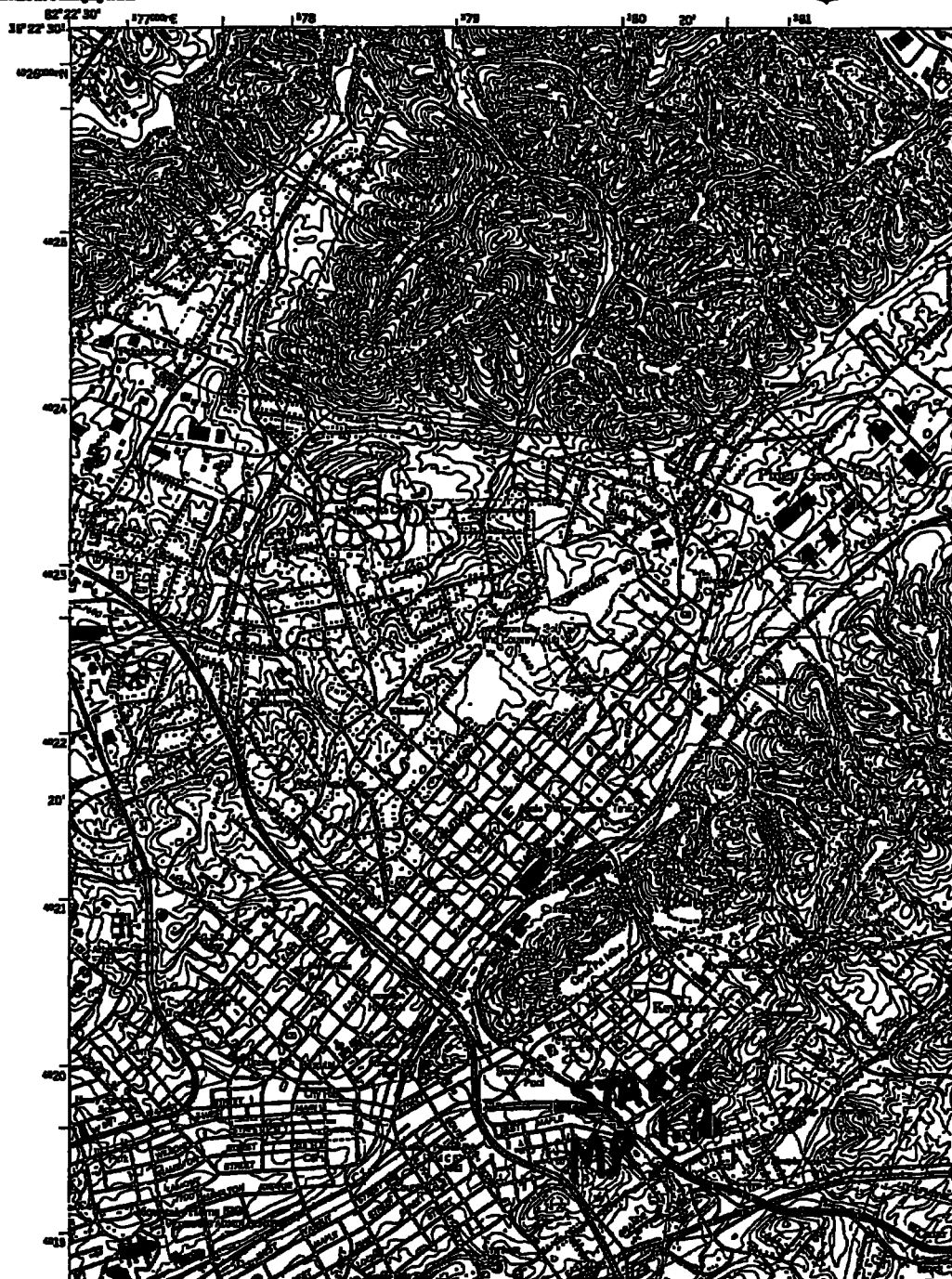

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Attorney for Johnson City

Att: map

cc. Eric Hocky, Esq.
Thorp Reed & Armstrong
2005 Market St., Suite 1000
Philadelphia, PA 19103-7041
Attorney for East Tennessee Railway, L.P. (w/att.)

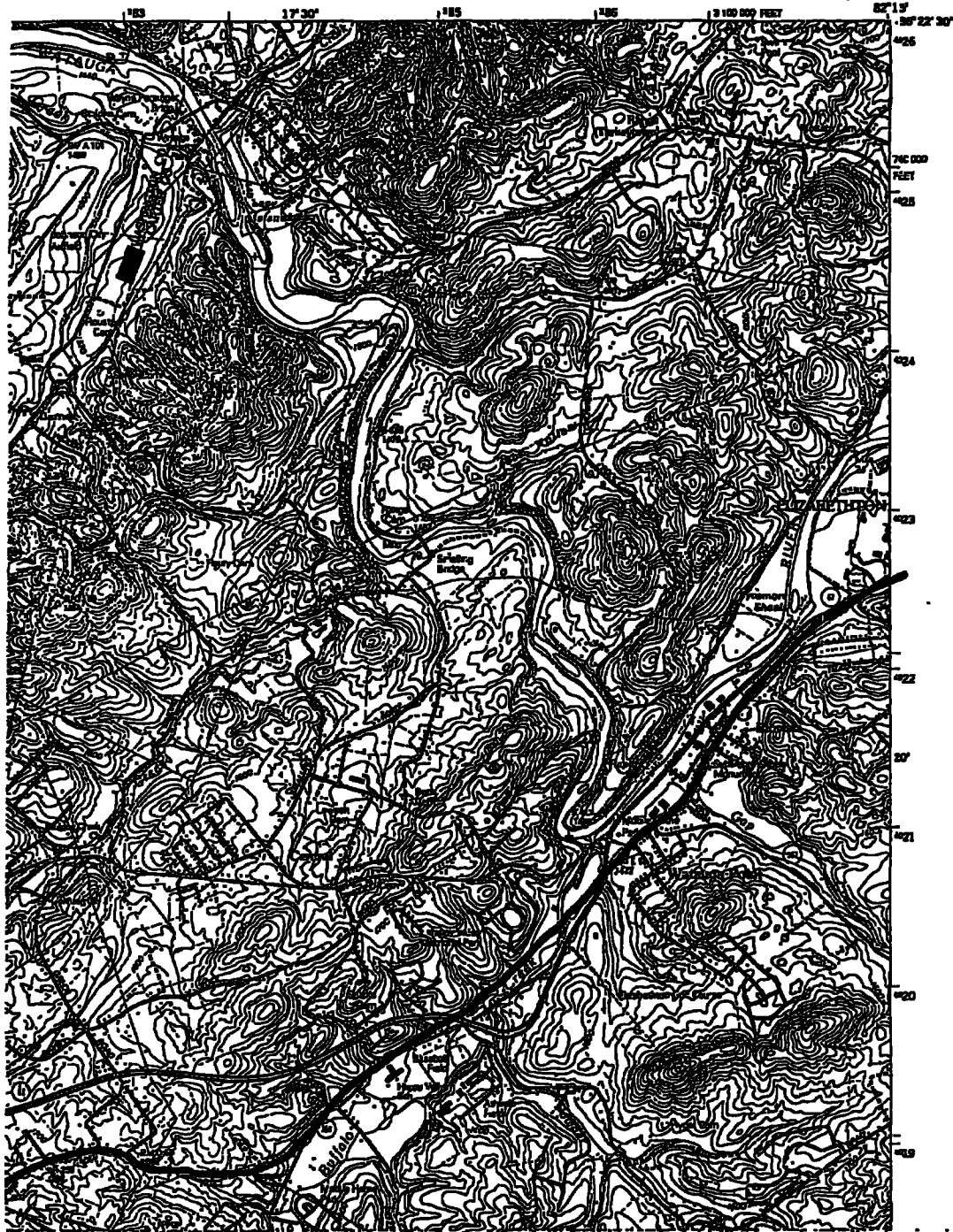
East Tennessee Railway, L.P.





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SST SERVICE

JOHNSON CITY QUADRANGLE
TENNESSEE
7.5-MINUTE SERIES (TOPOGRAPHIC)





U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



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